

## CHAPTER 50.2

### HOME KITCHEN OPERATIONS

(Adopted Ordinance 2016-19, April 18, 2016)

1. **DEFINITIONS.** For the purpose of this Chapter, the certain words or phrases shall be defined as set forth:

A. Home Kitchen Operation shall have the same meaning as ascribed in the State of Illinois Food Handling Regulation Enforcement Act, 410 ILCS 625/3.6.

B. Baked Goods shall include, but are not limited to, breads, cookies, cakes, pies, pastries and high-acid fruit pies that use apples, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currant or a combination of these fruits per 410 ILCS 625/4(b)(1)(C).

C. Potentially Hazardous Food means a food that is potentially hazardous according to the Department of Public Health administrative rules. In general, potentially hazardous food means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation as defined pursuant to 410 ILCS 625/4(a). The following are potentially hazardous and prohibited from production and direct sale by a home kitchen operation: pumpkin pie, sweet potato pie, cheesecake, custard pies, crème pies, and pastries with potentially hazardous filling or toppings pursuant to 410 ILCS 625/4(b)(1)(C).

2. **HOME KITCHEN OPERATION QUALIFICATIONS.** The following conditions must be met in order to qualify as a home kitchen operation pursuant to 410 ILCS 625/3.6:

A. Monthly gross sales do not exceed one thousand dollars (\$1,000.00);

B. The food is a non-potentially hazardous baked good;

C. A notice is provided to the purchaser that the product was produced in a home kitchen by a person who has a current food handler certificate;

D. The food package is affixed with a label or other written notice is provided to the purchaser that includes:

1. The common or usual name of the food product;

2. Allergen labeling as specified in federal labeling requirements by the United States Food and Drug Administration;

E. The food is sold directly to the consumer;

F. The food is stored in the residence where it is produced or packaged;

G. Per the City of Decatur Zoning Ordinance, the home kitchen operation must be entirely incidental to residential use when (1) carried on in the Main Building and is not used primarily or exclusively for the home kitchen operation; (2) is carried on by a member of the immediately family, residing on the premises; (3) there is no commodity displayed or sold upon the premises; (4) no person is employed other than a member of the immediate family residing on the premises; and (5) no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

H. Home kitchen operation does not include a person who produces or packages non-potentially hazardous baked goods for sale by a religious, charitable, or nonprofit organization for fundraising purposes; the production or packaging of

non-potentially hazardous baked goods for these purposes is exempt from the requirements of this Chapter.

**3. INSPECTIONS.** The Department of Public Health or the Macon County Health Department may inspect a home kitchen operation in the event of a complaint or disease outbreak.

**4. PENALTY.** Any person, firm or corporation who shall violate any of the provisions of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.